



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 02 2000

Ms. Mimi Drew, Director
Division of Water Facilities
Florida Department of Environmental Management
Twin Towers Office Tower
2600 Blair Stone Building
Tallahassee, FL 32399-2400

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JUN - 7 2000
DIRECTOR - WATER
RESOURCE MANAGEMENT

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JUN 14 2000

SUBJ: Final Phase of Florida NPDES Program Implementation

Dear Ms. Drew:

Bureau of Submerged
Lands & Env. Resources

As we have discussed on several occasions, pursuant to Section III of the Florida/EPA Memorandum of Agreement (MOA), as of May 1, 2000, the Florida Department of Environmental Protection (FDEP) assumed responsibility to implement the remaining storm water element of the National Pollutant Discharge Elimination System (NPDES) permitting program (storm water-only dischargers and storm water general permits). Enclosed is a draft revision of the MOA that reflects this transfer of responsibility.

In recognition of this completion of the "phase-in" of the State program implementation authority, our staffs have been and continue to work cooperatively on a modification to the MOA which has governed the relationship between EPA and the State on NPDES matters during the past five years. This modification is intended to remove the expired phase-in schedule, address several editorial concerns, and reflect the changes in our respective roles that occurred as of May 1st. Federal facilities will be addressed under separate cover.

Enclosed you will find the draft revised MOA which represents the efforts of our staffs to modify the existing MOA (see enclosure 1). Although it was my hope that we could finalize this MOA prior to May 1st, it is my understanding that your staff identified a few issues, related to implementation of storm water permitting and enforcement activities, on which they would like further clarification before the MOA is actually finalized. As discussed by our staffs, those issues and the proposed approaches to resolving them are as follows:

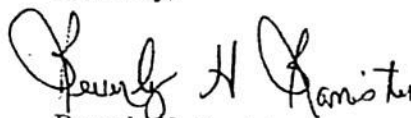
- 1) Your staff expressed concern relative to the remaining backlog of NPDES permits for federal facilities and storm water applications. EPA has already resolved the backlog for the federal facility permits by having reissued all of those expired permits. Also, the NPDES General Permit for Storm Water Discharges from Construction Activities modification was federally noticed on April 28, 2000. The Multi-Sector General Permit for industrial activities will become a State NPDES permit on its reissuance by the State. EPA will continue to accept notices of intent (NOIs) and provide coverage under these two permits until the State reissues them or until they expire, whichever occurs first. EPA

also has discussed with your staff that EPA would provide certain technical and resource assistance during this period.

- 2) Your staff asked for clarification relative to existing and anticipated NPDES enforcement activities by Region 4. As our staffs have discussed, EPA will complete its activities on current enforcement actions prior to final file transfer (see enclosure 2: "ACTIVE Enforcement Actions FY- 00, BEFORE MAY 1, 2000"). The State also may request EPA to proceed with enforcement when the State has been unable to achieve compliance through state remedies. The State should make such requests in writing to the Chief of the Water Programs Enforcement Branch, U.S. EPA Region 4 for a proposed list of such actions as previously discussed (see enclosure 3: "PROPOSED Enforcement Actions FY- 00, AFTER MAY 1, 2000").
- 3) Your staff also asked for clarification regarding the State program modification process. Following promulgation of the proposed State storm water permit application regulations, in accordance with 40 C.F.R § 122.26, EPA would need Florida to submit the revised rules and other documents necessary to complete the proposed modification of its program, pursuant to 40 C.F.R § 123.62.

It is our understanding that the above proposals address the concerns of your staff; we look forward to your response. If you have any questions, please do not hesitate to contact me, or to have a member of your staff contact Mr. Roosevelt Childress, Chief, NPDES and Biosolids Permits Section, at 404/562-9279.

Sincerely,



Beverly H. Banister
Acting Director
Water Management Division

Enclosures